

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

CORINTHA M. HAMILTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
KRESIMER STANIC,	)	
	)	
First Defendant	)	
	)	Civil Action No. <u>CV118-042</u>
and	)	
	)	
LOLA TRUCKING INC.	)	
	)	
Second Defendant	)	
	)	
and	)	
	)	
ARTISAN & TRUCKERS CASUALTY	)	
COMPANY	)	
	)	
Third Defendant.	)	

**FIRST AMENDED COMPLAINT FOR DAMAGES**

COMES NOW CORINTHA M. HAMILTON, Plaintiff in the above-captioned matter,  
and amends her Complaint against Defendants and shows the Court as follows:

1.

First Defendant Kresimer Stanic is a resident of the City of Hoffman Estates, Illinois and is subject to the jurisdiction of this Court under the Georgia Nonresident Motorists Act. Service may be had upon First Defendant at 565 Hill Drive No. 201, Hoffman Estates, Illinois, 60169.

2.

Second Defendant is a corporation organized and doing business in the State of Illinois and is subject to the jurisdiction of this Court. Second Defendant may be served by and through its Agent for Service, Lou Srejovic at 4058 West Lawrence Avenue, Chicago, Illinois 60630-2825.

3.

Artisan & Truckers Casualty Company is a proper party and is subject to the jurisdiction of the Court in that Second Defendant is a Motor Common Carrier and Artisan & Truckers Casualty Company provides liability insurance as required by law.

4.

Venue is proper in this Court in that the subject motor vehicle wreck occurred in this County.

5.

On or about December 17, 2016, at approximately 7:06 p.m. Corintha M. Hamilton was driving her vehicle south on the 1300 block of New Savannah Road, and was behind First Defendant Stanic.

6.

First Defendant Stanic, who was driving a 2005 Freightline tractor trailer, began to turn into 1301 New Savannah Road, stopped and began to back up.

7.

Defendant Stanic negligently backed into the Plaintiff's vehicle and pushed it into a pond. Plaintiff was able to exit her vehicle prior to it being pushed into the pond, but she suffered injuries in the process.

8.

A direct and proximate cause of the collision is the negligence and the negligence per se of the First Defendant, including but not limited to the following:

- (a) Failure to exercise due caution while operating a motor vehicle;
- (b) Failure to maintain proper control of First Defendant's vehicle in violation of O.C.G.A. § 40-6-390;
- (c) Operating First Defendant's vehicle in a reckless manner with a disregard for the safety of others in violation of O.C.G.A. § 40-6-390;
- (d) Failure to pay proper attention to First Defendant's course of travel and movement of other vehicles upon the street;
- (e) Failure to keep a proper lookout ahead for other vehicles using the roadway at the time of the collision; and
- (f) Failure to yield the right of way.

9.

At the time and place of the collision, Plaintiff was lawfully on the roadway and did not contribute to the collision in any way.

10.

At the time and place of the collision, Kresmier Stanic was employed by Second Defendant, Lola Trucking Inc., driving a vehicle owned by Second Defendant and in the course and scope of his employment.

11.

Second Defendant is liable for the negligence of the First Defendant and is further liable for negligent hiring and negligent entrustment.

12.

As a direct and proximate result of the negligence and negligence per se of Defendants, Corintha M. Hamilton suffered mental and physical injuries requiring medical treatment, as well as other damages.

13.

As a direct and proximate result of the negligence and negligence per se of Defendants, Plaintiff is entitled to recover all special damages, including but not limited to medical bills and expenses as follows:

Gold Cross EMS	\$ 1,049.00
Augusta University Medical Center	\$ 970.00
Georgia Regents Medical Associates	\$ 753.00
Brice Health Management	\$ 7,980.00
University Open MRI	\$ 1,350.00
Augusta Center for Psychological Services	\$ 420.00
Atlanta Spine Center	\$ 201,722.40
Georgialina Physical Therapy	\$ 5,284.00
Pavilion Spine Surgery Center	\$ 9,400.00
Kamal C. Kabakiou M.D.	\$ 3,700.00
Total	\$ 232, 628.40

14.

As a direct and proximate result of the negligence and negligence per se of Defendants, Plaintiff is entitled to recover general damages including but not limited to Corintha M.

Hamilton's mental and physical pain and suffering and loss of capacity to enjoy life, past, present, and future.

WHEREFORE, Plaintiff prays as follows:

- (a) That Defendant be served with process and be required to answer this lawsuit;
- (b) That Plaintiff recover recompensive damages from Defendants for all special damages incurred by Plaintiff in the amount of \$232, 628.40;
- (c) That Plaintiff recover all recompensive damages from Defendants for Corintha M. Hamilton's mental and physical pain and suffering related to Corintha M. Hamilton's injuries and all other general damages;
- (d) That Plaintiff be awarded interest at the legal rate on any judgment ultimately rendered;
- (e) That Plaintiff have a trial before the Court; and
- (f) That Plaintiff be awarded any such other and further relief as the Court may deem just and appropriate.

This 10th day of May, 2018.

JACKSON R. MASSEY & ASSOCIATES, P.C.

S/MICHAEL W. MILLIANS  
Georgia State Bar No. 508987  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was served by U.S. Mail, postage prepaid, upon the following counsel of record, this 10th day of May, 2018.

Kevin T. Shires, Esq.  
Blair J. Cash, Esq.  
Lueder, Larkin & Hunter, LLC  
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Alpharetta, Georgia 30005

S/MICHAEL W. MILLIANS